

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.1649 of 2021**

Arising Out of PS. Case No.-274 Year-2020 Thana- HARSIDHI District- East Champaran

SERAJUL MIAN Son of Late Salim Mian Resident of Village- Pakariya,
P.S.- Harsidhi, Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

For the Informant : Ms. Prerna Rishi, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 17-08-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Harsidhi P.S. Case No. 274 of 2020
registered for the offences punishable under Section 302/34 of
the Indian Penal Code. He is in custody since 04.07.2020.

Learned counsel for the petitioner submits that as per
the prosecution story, the victim lady/daughter of the informant
was providing money to different co-villagers on interest. Her
husband used to send money from the foreign country where he
was employed. There had been a panchayati in respect of the
transactions relating to money with the co-villagers. The daughter
of the informant had told that whenever she was demanding the
money, the co-villager asked her to indulged in illicit relationship.

On the alleged date of occurrence the informant claims that he had gone to the village of the deceased where the deceased was not found in her house, thereafter he went in search of her and found that near Durga Mandir situated in Harsidhi Market the dead body of the daughter of the informant was lying. At this stage, it is alleged that four accused persons named in the F.I.R. were found standing there who fled away on seeing the informant.

Learned counsel for the petitioner submits that neither in the inquest report nor in the post-mortem report any injury has been found on the dead body. It is further submitted that this petitioner is the Dewar (younger brother of the husband) of the deceased and he lives separate in mess and business. There is no evidence suggesting his involvement in the present case and no eye witness has come forward to say that he had seen the petitioner near the dead body.

Learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for bail of the petitioner. Learned counsel for the informant has contended before this Court that this petitioner being Dewar of the deceased was involved in the money transaction and that is one of the reasons for the killing of the daughter of the informant.

Learned counsel for the informant and learned A.P.P.

for the State are, however, unable to show that there is any witness in the case diary saying that he had seen this petitioner near the dead body. Learned A.P.P. has rather submitted that money transactions on interest seems to be the reason behind the alleged occurrence.

Considering the facts and circumstances of the case, in the nature of the materials placed before this Court and that the petitioner is in custody since 04.07.2020, investigation against him is complete, but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 274 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.